

Response to Public Comments

The draft Part 70 Operating Permit for MSD – Bissell Point Wastewater Treatment Plant was placed on public notice on March 16, 2018 for a 30-day comment period. The public notice was published on the Department of Natural Resources' Air Pollution Control Program's web page at: <http://dnr.mo.gov/env/apcp/permit-public-notice.htm>. The Air Pollution Control Program received comments from MSD, EPA Region VII, and Great Rivers Environmental Law Center. The comments are addressed by who sent them and in order as they were listed in the correspondence and are quoted verbatim.

The following comments were received on April 9, 2018 from MSD:

Comment #1: Permit Condition (EP03 through EP06) - 007, Monitoring and Calibration Requirements for Compliance with Operating Limits, please add the following clarification to the citation reference to provide consistency throughout the permit (bold italics for clarity only).

(1)(a)(iii) Any data collected during monitoring system malfunctions, repairs associated with monitoring system malfunctions, or required monitoring system quality assurance or control activities must not be included in calculations used to report emissions or operating levels. Any such periods must be reported in the permittee's annual deviation report. [***40 CFR §60.5225(a)(1)(iii)***]

Response to Comment: *The draft permit has been modified as requested.*

Comment #2: Permit Condition (EP03 through EP06) - 008, Recordkeeping, please add the following clarification to the citation reference to provide consistency throughout the permit (bold italics for clarity only).

(3)(b) Records showing the names of 551 unit operators and other plant personnel who may operate the unit according to the provisions of ~~40 CFR~~ 40 CFR §60.5155(a), as follows: [40 CFR §60.5230(c)(2)]

Response to Comment: *The draft permit has been modified as requested.*

Comment #3: Permit Condition (EP03 through EP06) - 008, Recordkeeping, please add the following clarification to the citation reference to provide consistency throughout the permit (bold italics for clarity only).

(3)(b)(ii) Records showing the names of the 551 operators who have completed the operator training requirements under ~~40 CFR~~ 40 CFR §60.5130, met the criteria for qualification under ***40 CFR*** §60.5140, and maintained or renewed their qualification under 40 CFR §60.5145 or §60.5150. Records must include documentation of training, including the dates of their initial qualification and all subsequent renewals of such qualifications. [40 CFR §60.5230(c)(2)(ii)]

Response to Comment: *The draft permit has been modified as requested.*

Comment #4: Permit Condition (EP03 through EP06) - 008, Recordkeeping, please add the following correction to the citation reference (bold italics for clarity only).

(3)(c) Records showing the periods when no qualified operators were accessible for more than 8 hours, but less than 2 weeks, as required in 40 CFR §60.5155(a). [40 CFR §60.5230(c)(~~23~~)]

Response to Comment: *The draft permit has been modified as requested.*

Comment #5: Permit Condition (EP03 through EP06) - 008, Recordkeeping, please add the following correction to the citation reference (bold italics for clarity only).

(3)(d) Records showing the periods when no qualified operators were accessible for 2 weeks or more along with copies of reports submitted as required in 40 CFR §60.5155(b). [40 CFR §60.5230(c)(~~34~~)]

***Response to Comment:** The draft permit has been modified as requested.*

Comment #6: Permit Condition (EP03 through EP06) - 008, Recordkeeping, please correct the punctuation error by deleting the colon at the end of the sentence. (bold italics for clarity only).

(7) Deviation Reports. Records of any deviation reports submitted under 40 CFR §60.5235(e) and (f). ‡ [40 CFR §60.5230(h)]

***Response to Comment:** The draft permit has been modified as requested.*

Comment #7: Permit Condition (EP03 through EP06) - 008, Reporting, please add the following clarification to the citation reference to provide consistency throughout the permit (bold italics for clarity only).

(1)(a) A final control plan as specified in **40 CFR** §§60.5085(a) and 60.5110. [40 CFR §60.5235(a)(1)]

***Response to Comment:** The draft permit has been modified as requested.*

Comment #8: Permit Condition (EP03 through EP06) - 008, Reporting, please add the following clarification to the citation reference to provide consistency throughout the permit (bold italics for clarity only).

(1)(b) The permittee must submit the permittee's notification of achievement of increments of progress no later than 10 business days after the compliance date for the increment as specified in **40 CFR** §§60.5095 and 60.5100. [40 CFR §60.5235(a)(2)]

***Response to Comment:** The draft permit has been modified as requested.*

Comment #9: Permit Condition (EP03 through EP06) - 008, Reporting, please add the following clarification to the citation reference to provide consistency throughout the permit (bold italics for clarity only).

(1)(c) If the permittee fails to meet an increment of progress, the permittee must submit a notification to the Director postmarked within 10 business days after the date for that increment, as specified in 40 CFR §60.5105. [**40 CFR** §60.5235(a)(3)]

***Response to Comment:** The draft permit has been modified as requested.*

Comment #10: Permit Condition (EP03 through EP06) - 008, Reporting, please correct the spacing punctuation error (bold italics for clarity only).

(2)(g) The results of the initial air pollution control device inspection required **in 40 CFR** §60.5195, including a description of repairs. [40 CFR §60.5235(b)(8)]

***Response to Comment:** The draft permit has been modified as requested.*

Comment #11: Permit Condition (EP03 through EP06) - 008, Reporting, please add the following clarification to the citation reference to provide consistency throughout the permit (bold italics for clarity only).

(2)(h) The site-specific monitoring plan required under **40 CFR** §60.5200, at least 60 days before the permittee's initial performance evaluation of the continuous monitoring system. [40 CFR §60.5235(b)(9)]

Response to Comment: The draft permit has been modified as requested.

Comment #12: Permit Condition (EP03 through EP06) - 008, Reporting, please add the following clarification to the citation reference to provide consistency throughout the permit (bold italics for clarity only).

(2)(i) The site-specific monitoring plan for the ash handling system required under **40 CFR** §60.5200, at least 60 days before the initial performance test to demonstrate compliance with the fugitive ash emission limit. [40 CFR §60.5235(b)(10)]

Response to Comment: The draft permit has been modified as requested.

Comment #13: Permit Condition (EP03 through EP06) - 008, Reporting, please add the following clarification to the citation reference to provide consistency throughout the permit (bold italics for clarity only).

(3)(o) If the permittee had a malfunction during the reporting period, the compliance report must include the number, duration, and a brief description for each type of malfunction that occurred during the reporting period and that caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by the permittee during a malfunction of an affected source to minimize emissions in accordance with **40 CFR** §60.11(d), including actions taken to correct a malfunction. [40 CFR §60.5235(c)(16)]

Response to Comment: The draft permit has been modified as requested.

Comment #14: Permit Condition (EP03 through EP06) - 008, Reporting, please add the following clarification to the citation reference to provide consistency throughout the permit (bold italics for clarity only).

(4)(d)(viii) A brief description of any malfunction reported in 40 CFR §60.5235(d)(l)(vii), including a description of actions taken during the malfunction to minimize emissions in accordance with **40 CFR** §60.11(d) and to correct the malfunction. [40 CFR §60.5235(d)(4)(viii)]

Response to Comment: The draft permit has been modified as requested.

Comment #15: Permit Condition (EP09) - 001, Emission Limitation and Standards, please add the following clarification to the citation reference to provide consistency throughout the permit (bold italics for clarity only).

Table 3 to Subpart MMMM of **40 CFR** Part 60 -Emission Limits and Standards

Response to Comment: The draft permit has been modified as requested.

Comment #16: Permit Condition (EP09) - 001, Operating Limits and Requirements, please add the following clarification to the citation reference to provide consistency throughout the permit (bold italics for clarity only).

Table 4 to Subpart MMMM of **40 CFR** Part 60-Operating Parameters for Existing Sewage Sludge Incineration Units^a

Response to Comment: *The draft permit has been modified as requested.*

Comment #17: Permit Condition (EP09) - 002, Recordkeeping, please add the following clarification to the citation reference to provide consistency throughout the permit (bold italics for clarity only).

(l)(a) The permittee shall comply with the recordkeeping requirements specified in 40 CFR §70.6(a)(3)(ii). The permittee shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to **40 CFR** §64.8 and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under 40 CFR Part 64 (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions). [40 CFR 64.9(b)(1)]

Response to Comment: *The draft permit has been modified as requested.*

Comment #18: Permit Condition (EP09) - 002, Reporting, please add the following clarification to the citation reference to provide consistency throughout the permit (bold italics for clarity only).

(1) General Reporting Requirements: The permittee shall submit semi-annual monitoring certified by a responsible official using the semi-annual monitoring report and annual compliance certification to the Air Pollution Control Program, Compliance and Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as required by 10 CSR 10-6.065(6)(1).C.(III). The report shall include, at a minimum, the following information, as applicable: [**40 CFR** §64.9(a)(1) & (2)]

Response to Comment: *The draft permit has been modified as requested.*

Comment #19: Permit Condition (EP09) - 002, Reporting, please add the following clarification to the citation reference to provide consistency throughout the permit (bold italics for clarity only).

(l)(c) Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken; [**40 CFR** §64.9(a)(2)(i)]

Response to Comment: *The draft permit has been modified as requested.*

Comment #20: Permit Condition (EP09) - 002, Reporting, please add the following clarification to the citation reference to provide consistency throughout the permit (bold italics for clarity only).

(2) Documentation of need for improved monitoring: If the permittee identifies a failure to achieve compliance with this permit condition for which the approved monitoring did not provide an indication of an exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the permittee shall promptly notify the Air Pollution Control Program and, if necessary, submit a proposed modification to the **40 CFR pPart** 70 permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the

frequency of conducting monitoring and collecting data, or the monitoring of additional parameters. [40 CFR §64.7(e)]

***Response to Comment:** The draft permit has been modified as requested.*

Comment #21: Permit Condition (EP23) - 001, please correct the reference to construction permit No. 95-05.069 (bold italics for clarity only).

10 CSR 10-6.060 Construction Permits Required

Construction Permit No. 95-05-069, Issued March 1, ~~1996~~ 1996

***Response to Comment:** The draft permit has been modified as requested.*

The following six comments (Comment #22 through #28) were received on April 12, 2018 from EPA Region 7:

Comment #22: Permit Condition (EP03 through EP06)-001 incorporates applicable requirements of 40 CFR part 61, Subpart C-*National Emission Standard for Beryllium*, for Incinerator #2 (EP03); Incinerator #3 (EP04); Incinerator #4 (EP05); and Incinerator #5 (EP06). MoDNR has included a monitoring requirement whereby MSD-Bissell Point shall perform stack sampling and testing as specified in 40 CFR §61.33. §61.33(a)(1) requires an emission test to be performed by May 28, 2014 in the case of an existing source or a new source which has an initial startup date preceding February 27, 2014. It appears that EP03, EP04, EP05, and EP06 are all existing sources and this stack test was to have been performed by May 28, 2014. Therefore, EPA believes this requirement may no longer be applicable to these MSD-Bissell Point emission units. However, EPA would encourage MoDNR consider using their authority, set forth in 10 CSR 10-6.065(6)(C)l.C, and set requirements for MSD-Bissell Point to perform stack sampling and testing at least once during the term of this Part 70 operating permit.

Additionally, Record keeping requirement 1), in Permit Condition (EP03 through EP06)-001, requires the permittee to retain copies of emission test results and "*any other data needed*" (emphasis added) to determine total emissions. The term "*any other data needed*" (emphasis added), is too vague as to be enforceable as a practical matter. EPA encourages MoDNR consider specifying the other data to be retained by MSD-Bissell Point to enhance the practical enforceability of Record keeping requirement 1).

Response to Comment:

- *The APCP agrees that the stack testing requirement of 40 CFR Part 61, Subpart C-National Emission Standard for Beryllium is no longer applicable. This requirement is removed and the stack testing requirement of Construction Permit No. 95-05-068, Issued August 16, 1995 incorporated into Permit Condition (EP03 through EP06)-001.*
- *§61.33(e) of 40 CFR Part 61 states "Records of emission test results and other data needed to determine total emissions shall be retained at the source and made available...". Since the term "any other data needed" is from 40 CFR Part 61, Subpart C, no revision to this permit condition is warranted.*

Comment #23: Permit Condition (EP03 through EP06)-002 incorporates applicable conditions from Permit to Construct 95-05-068, issued August 16, 1995. This permit condition establishes an emission rate of total hydrocarbons (THC) not to exceed one hundred parts per million by volume (100 ppmv), based on a monthly average and corrected for zero percent (0%) moisture and seven percent (7 %) oxygen. This permit condition also requires the permittee to keep records of THC for stack exit gases and measured oxygen content of the exhaust gases from the incinerator. EPA believes that MoDNR may

want the permittee to also keep records of the moisture content of the exhaust gases from the incinerators.

Response to Comment: *The draft permit has been modified as requested.*

Comment #24: Monitoring / Record keeping requirement 2), in Permit Condition (EP03 through EP06)-003, requires the permittee to monitor and record the liquid flow rate through each scrubber at least once every 24-hours while the scrubbers are in operation. Liquid flow rate is a parameter that is easily measured on a continuous basis and EPA suggests MoDNR consider including continuous scrubber liquid flow rate monitoring to verify MSD-Bissell Point maintains the flow rate within the design conditions specified by the manufacturer's performance warranty.

Response to Comment: *The draft permit has been modified as requested.*

Comment #25: Permit Condition (EP03 through EP06)-005 incorporates the applicable Emission Limits, Emission Standards, Operating Limits and Requirements from 10 CSR 10-6.191 and 40 CFR part 60, Subpart M. Emission Limitation and Standards requirement 1) says "the permittee must meet the emission limits and standards specified in Table 3 to Subpart M of 40 CFR part 60 by the final compliance date under the approved State plan, Federal plan or delegation, as applicable." The Missouri Air Conservation Commission (MACC) adopted the Missouri 111D/129 State Plan for Sewage Sludge Incinerators on February 5, 2013. This MACC adopted plan established a "final compliance date" of March 21, 2016 or three years after the effective date of state approved plan approval, whichever is earlier. Therefore, it appears that this opening statement in Emission Limitation and Standard 1) is no longer relevant and MoDNR may wish to remove it. Also, Operating Limits and Requirements 3) says "the permittee must meet the operating limits specified in 40 CFR §60.5170 (a) and (b) by the final compliance date." Again the MACC adopted plan established a "final compliance date" of March 21, 2016 or three years after the effective date of state approved plan approval, whichever is earlier. Therefore, it appears to EPA that the Operating Limits and Requirements 3), in Permit Condition (EP03 through EP06)-005 may have already been met and this Operating Limits and Requirements 3) may no longer be applicable and therefore is not required to be included in the Part 70 operating permit.

Response to Comment: *The draft permit has been modified as follows:*

- *Emission Limitation and Standards requirement 1) is revised as:*
"The emission limits and standards specified in Table 3 to Subpart M of 40 CFR Part 60 apply to emissions from a bypass stack or vent while sewage sludge is in the combustion chamber (i.e., until the sewage sludge feed to the combustor has been cut off for a period of time not less than the sewage sludge incineration residence time). [40 CFR §60.5165]"
- *Operating Limits and Requirements 3) is removed from the draft permit as requested.*

Comment #26: Permit Condition (EP03 through EP06)-008 incorporates the applicable Reporting and Record keeping requirements from 10 CSR 10-6.191 and 40 CFR part 60, Subpart M, for Sewage Sludge Incinerators. Reporting requirement 10 says "if the permittee plans to achieve compliance more than 1 year following the effective date of state plan approval, the permittee must submit the increment of progress reports, as applicable." As stated in the previous comment, the MACC adopted the State Plan for Sewage Sludge Incinerators on February 5, 2013. This plan established a "final compliance date" of March 21, 2016 or three years after effective date of state plan approval, whichever is earlier. Also, Reporting requirement 2) says "the permittee must submit the initial compliance report no later than 60 days following the initial performance test." Finally, Reporting requirement 3) says "the

permittee must submit the first annual compliance report no later than 12 months following the submission of the initial compliance report." Based on the dates associated with the Missouri adopted State Plan, these reports may have already been submitted and these reporting requirements may no longer be applicable and therefore are not required to be included in the Part 70 operating permit.

Response to Comment: *The draft permit has been modified as requested.*

Comment #27: Permit Condition (EP09)-002 incorporates requirements from the Compliance Assurance Monitoring (CAM) plan associated with wet ash conveying emission unit EP09. Monitoring requirement 2) b) requires the permittee to check and document the Venturi Scrubber/Mist Eliminator pressure drop daily. However, the CAM plan included as Attachment E, in the draft Part 70 operating permit, requires pressure drop across the Venturi Scrubber/Mist Eliminator to be continuously monitored. EPA suggests MoDNR consider including continuous monitoring for the pressure drop in monitoring requirement 2) b). Also, monitoring requirement 2) a) requires the permittee to monitor visible emissions from the scrubber stack exhaust using EPA Reference Method 22-like procedures (emphasis added), on a daily basis, during operation of the unit. In the introduction to EPA Method 22, EPA indicates minor changes in the test methods should not necessarily affect the validity of the results and it is recognized that alternative and equivalent methods exist. §60.8 provides authority for the Administrator to specify or approve (1) equivalent methods, (2) alternative methods, and (3) minor changes in the methodology of the test methods. Unless otherwise identified, all such methods and changes must have prior approval of the Administrator. An owner employing such methods or deviations from the test methods without obtaining prior approval does so at the risk of subsequent disapproval and retesting with approved methods. If MoDNR is authorizing the use of a modified Test Method 22, the modified test method should receive formal review and approval, by the Administrator, and the approved alternate test method should be attached to the issued operating permit.

Response to Comment: *The draft permit has been modified as follows:*

- *Pressure drop across Venturi Scrubber/Mist Eliminator shall be continuously monitored using a Supervisory Control and Data Acquisition (SCADA) system.*
- *Visible emissions from the scrubber stack exhaust shall be monitored using the procedures contained in U.S. EPA Test Method 22 on a daily basis to ensure no visible emissions during the operation of this unit.*

Comment #28: The Monitoring requirement, in Permit Condition (EP23)-001, requires the permittee to measure the concentration of hydrogen sulfide "as frequently as necessary" (emphasis added) to characterize the efficiency of the biofilter system and the amount of H₂S emitted into the ambient air. The term "as frequently as necessary" (emphasis added) is too vague as to be enforceable from a practical matter. EPA suggests MoDNR consider using its authority, as provided in 10 CSR 10-6.065(6)(C) 1. C., and establish a practically enforceable H₂S monitoring and record keeping requirement. Additionally, Record keeping requirement, in Permit Condition (EP23)-001, requires the permittee to keep accurate, easily understood, up to date records of H₂S concentrations and "any other parameters necessary to determine" (emphasis added): quantity of H₂S gas released into the ambient air; and efficiency of biofilter system in removing H₂S from the clarifiers. Again, the term "any other parameters necessary to determine" (emphasis added) is too vague as to be enforceable from a practical matter. EPA encourages MoDNR consider specifying the other parameters necessary to determine quantity of H₂S gas released and the efficiency of the biofilter to enhance the practical enforceability of the Record keeping requirement in Permit Condition (EP23)-001.

Response to Comment: *The draft permit has been modified as requested.*

Comment #29 and #30 from Mr. Bob Menees with Great Rivers Environmental Law:

Comment #29: On Page 25-27, Permit Condition (EP-03 through EP-06) – 008 requires MSD to submit a deviation report for a deviation from a standard identified in Section 4) i)-iv). Please state whether any deviation reports have been submitted by MSD to MDNR under this provision and identify which standard (i.e. i) – iv)) MSD has deviated.

***Response to Comment:** MSD reports these deviations as required; that the events happen due to unexpected malfunctions, that they happen several times per year and that they are for the most part bypass damper events. MSD sends emails when the events occur, and then MSD gathers the emails in the twice-a-year reports.*

Comment #30: On Page 38, the draft operating permit sets forth a “state only” condition restricting odor from the facility pursuant to 10 CSR 10-6.165. This condition sets the standard for what is a violation of the regulation, and describes where the testing procedure to determine a violation should be taken, but sets forth no actual monitoring frequency. MSD should be required to conduct monitoring to demonstrate compliance with this condition at least once per month, if not more frequently.

***Response to Comment:** Because the determination of an odor violation is inherently subjective, even when using a Nasal Ranger or similar instrument or technique, compliance determinations will continue to be done by inspectors from the regional office in response to odor complaints.*



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April 16, 2018

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VIA ELECTRONIC MAIL ONLY

*Re: Draft Part 70 Operating Permit, St. Louis Metropolitan Sewer District—
Bissell Point (Installation ID: 510-0053 Project No.: 2007-06-088)*

Dear Sir or Madam:

On behalf of the Missouri State Conference of the (b) (6) Privacy, (b) (7)(C) Personal Privacy (b) (6) Privacy, (b) (7)(C) Personal Privacy Great Rivers Environmental Law Center ("Great Rivers") submits the following comments to the Missouri Department of Natural Resources ("MDNR"), Air Pollution Control Program ("APCP") regarding the draft Part 70 Operating Permit for St. Louis Metropolitan Sewer District ("MSD")—Bissell Point (Installation I.D.: 510-0053; Project No. 2007-06-088).

The mission of the (b) (6) Privacy is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate race-based discrimination. Furthermore, the (b) (6) Privacy has an Environmental and Climate Justice Program ("ECJ") that addresses environmental injustices that have a disproportionate impact on communities of color and low-income communities in the United States and around the world. The (b) (6) Privacy ECJ Program was created to provide resources and to support community leadership in addressing these types of human and civil rights issues by advocating to reduce harmful emissions, advance energy

Scenarios such as fluid bed incineration/landfilling and anaerobic digestion/landfilling can achieve better environmental performance.”³ Clearly, the current practice of multiple hearth incineration at Bissell Point WWTF is the least economical and least environmentally friendly option of sewer sludge disposal—nearby residents and ratepayers alike deserve better.

Notably, MSD shut down Incinerator #6, constructed in 1991, which would have been subject to stricter New Source Performance Standards (“NSPS”) and which would have required reductions in the amounts of pollutants being emitted into the air of St. Louis City residents. Instead, MSD has opted to use four incinerators from 1967 that are exempt from stricter regulation, that continue to leak toxic pollutants into the St. Louis City’s ambient air, and that disproportionately affect low income and minority populations in North St. Louis City, including the (b) (6) Privacy, (b) (7)(C) Personal Privacy neighborhoods.

MDNR’s permitting process suffers from (1) a lack of meaningful public participation by minority or low-income communities in the permit process; (2) unavailability or inaccessibility of certain information to the public early in the permit process; and (3) a failure of the permit process to address disproportionate adverse environmental impacts on minority and low-income communities.⁴ To address these concerns, MDNR should provide a permit applicant with relevant information on environmental justice where a potential environmental justice area is identified early in the permitting processes. Then, the applicant should be required to submit a written public participation plan as part of its complete application to ensure that environmental communities are provided with meaningful public participation and the documents necessary for such meaningful participation.⁵

The permittee’s public participation plan should identify stakeholders, including nearby residents, local elected officials, community-based organizations, and community residents; provide for distribution and posting of written information on the proposed action and permit review process; provide for public information meetings to keep the public informed about the proposed action and permit review process; and establish easily accessible document repositories in or near the potential environmental justice area to make available pertinent information. MDNR’s current method of providing public notice and opportunity for comment (i.e. an email to those persons subscribed to an email list with APCP) is woefully short of actually affording meaningful participation by the communities impacted by this permit action.⁶

³ *Id.* at p. 18.

⁴ See e.g., New York Department of Environmental Conservation, Environmental Justice Policy, Commissioner Policy 29 (“CP-29”). Located at <https://www.dec.ny.gov/regulations/36951.html>. (Last visited April 9, 2016).

⁵ See, e.g., EPA Activities To Promote Environmental Justice in the Permit Application Process, 78 Fed. Reg. 27220, 27229 (May 9, 2013) (“Another useful tool is a public participation plan. . . . [Its purpose] is to aid the permit applicant in organizing its outreach. It can also help convey the facility’s outreach strategy to a community.”)

⁶ See EPA Activities To Promote Environmental Justice at 27224 (“Use communication techniques that community members value, such as direct mailings, posters, articles in local newspapers, and emails to list serves.”)

Specific Comments

1. On Page 9, Permit Condition (EP-03 through EP-06) – 003 retains the exact same charging rates (per incinerator per day and combined annually) as the previous permit. Please explain how the facility will be able to meet the new emissions limits of 40 CFR Part 60, Subpart M, Table 3, when such limits are significantly more stringent than the emissions limit contained in the previous permit and when no new control devices or technology have been adopted at the facility since the previous permit.
2. On Pages 15-16, Permit Condition (EP-03 through EP-06) – 006 discusses MSD's obligation to meet initial compliance requirements without any discussion of whether the requirements were met. Pursuant to (1) 40 CFR Part 60, Subpart M, Table 1, (2) 10 CSR 10-6.191(3)(H), and (3) Section VI (Table IV) of Missouri's 111(d)/129 State Plan implementing the federal rule, the latest date that MSD could demonstrate compliance with final requirements was March 21, 2016-- over two years ago. Please explain whether MSD met initial compliance requirements prior to the issuance of the draft Operating Permit and provide this information in the permit or Statement of Basis.
3. On Page 23, Permit Condition (EP-03 through EP-06) – 008 requires MSD to submit a Control Plan within one (1) year of state plan approval. Since state plan approval occurred several years ago, please state whether MSD submitted a Control Plan within one (1) year of state plan approval and, if so, when the Control Plan was approved by MDNR.
4. On Page 23, Permit Condition (EP-03 through EP-06) – 008 requires MSD to submit an initial compliance report within 60 days of the initial compliance test. Please state whether MSD submitted this report within 60 days of initial compliance test, if applicable.
5. On Page 25-27, Permit Condition (EP-03 through EP-06) – 008 requires MSD to submit a deviation report for a deviation from a standard identified in Section 4) i)-iv). Please state whether any deviation reports have been submitted by MSD to MDNR under this provision and identify which standard (i.e. i) – iv)) MSD has deviated.
6. On Page 29, the monitoring for Permit Condition (EP09) - 002 states that the permittee may use "EPA Reference Method 22-like procedures." This contradicts both Permit Condition (EP09) - 001 and 40 CFR Part 60, Subpart M, Table 3, which requires use of Method 22, Appendix A-7 of 40 CFR Part 60 as the visible emissions test for fugitive particulate matter from wet ash handling systems in all instances. This reference also appears in Attachment E—Compliance Assurance Monitoring Plan (CAM) on Page 52 (Measurement Approach, Indicator #1).
7. On Page 38, the draft operating permit sets forth a "state only" condition restricting odor from the facility pursuant to 10 CSR 10-6.165. This condition sets the standard for what is a violation of the regulation, and describes where the testing procedure to determine a violation should be taken, but sets forth no actual monitoring frequency. MSD should be

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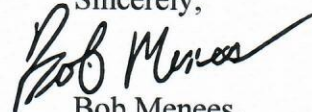
required to conduct monitoring to demonstrate compliance with this condition at least once per month, if not more frequently.

8. On Page 48, in Appendix A, MDNR states: "The Program requests the Installation document the metrics in a table and compare it to historical reduction data and operating parameters documented during all prior performance tests for incinerators 2 through 5, but not earlier than those tests conducted after the combination impingement tray scrubbers and venturi scrubbers were installed. The table should be submitted with the performance test report for each performance test completed." As noted in Specific Comment 2 above, initial compliance requirements, such as the 85% maximum permitted capacity requirement, should already be complete prior to the final compliance deadline of March 21, 2016. Please provide this information in the draft permit or in the Statement of Basis.
9. On Pages 1 – 2 of the Statement of Basis, MDNR states that the reason that PTE is less than actual emissions for PM10, PM 2.5, and SOx is that (1) MSD has discontinued use of incinerator #1 and # 6 and (2) MSD has replaced impingement tray scrubbers and single venturi scrubbers for incinerators #2 through #5. In regards to (1): how does charging the same amount of sludge (as mentioned above in Specific Comment 1) result in a reduction in PTE and actual emissions whether that same amount of sludge is charged from four, five, or six incinerators? In regards to (2): MSD has been using venturi scrubbers and impingement tray scrubbers since at least 2007 on incinerators #2 through #5. Please explain how emissions will be reduced using the same control devices and technology that has produced significantly greater actual emissions than PTE over the past five years.

Conclusion

The human health impacts caused by the multiple hearth incinerators at the Bissell Point WWTF have a disproportionate impact on low-income and minority communities located near the facility. Yet, these communities are not given an opportunity to meaningfully participate in the permitting process by either MDNR or MSD. Scientific studies have specifically demonstrated the adverse health impacts caused by multiple hearth sewer sludge incineration at the facility. Ironically and sadly, there is no long-term economic advantage to ratepayers to continue this method of waste disposal at the facility, which is impossible to reconcile with the aforementioned adverse health impacts to the surrounding community. MDNR and MSD must proactively provide more meaningful opportunity for input from environmental justice communities impacted by permit actions. MSD ratepayers deserve to know the truth about where their money is going and the human health impacts it is causing.

Sincerely,



Bob Menees,
Staff Attorney